

REMARKS

Claims 1-4, 9, 11, 14, and 16-38 are pending in this application, with claim 39 being cancelled by this Amendment. Claims 1-4, 9, 11, and 14-39 currently stand rejected, and claims 1, 11, 16-19, and 23 have been amended. Reconsideration and allowance of claims 1-4, 9, 11, and 14-38 are respectfully requested in light of the preceding amendments and following remarks.

Priority Documents

The Examiner acknowledges no claim to priority for this application in the February 18 Office Action. Applicants respectfully request the Examiner acknowledge receipt of the priority documents for this application or indicate which priority documents have not yet been received.

Claim Rejections under 35 U.S.C. § 103

Claims 1-4, 9, 11 and 14-39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Pat Pub 2002/0046328 to Okada (“Okada”) in view of US Pat 5,742,569 to Yamamoto (“Yamamoto”), US Pat Pub 2001/0043790 to Saeki et al. (“Saeki”), US Pat Pub 2001/0038745 to Sugimoto (“Sugimoto”), and Official Notice. Applicants respectfully traverse this rejection for the reasons detailed below.

With regard to independent claims 1, 11, 16-19, and 23, the Examiner alleges that Sugimoto discloses a “second navigation unit . . . including at least one identifier for identifying one channel of the multi-channel stream.”

Applicants note that each of these claims has been amended to further clarify that the identifier is “storing the **identity of the associated reproduction path.**” Where the Examiner applied Sugimoto’s entry points in a number of cells mapping to various VOBs (ENTRY POINT in FIG. 45 in Sugimoto), the entry points of Sugimoto mark **only locations** within a cell where reproduction of cell content may begin, like bookmarks; Sugimoto suggests nothing of the entry points containing an actual name or other identifier of the cell. *See* Sugimoto, ¶¶ [0682]-[0684]; FIG. 45. Thus, the bookmark-type entry points of Sugimoto do not teach or suggest the identifiers storing an actual identity as recited in claims 1, 11, 16-19, and 23 as amended.

Second, Applicants note that each independent claim has been amended to clarify that the map includes “transport packets associated with one of the reproduction paths” and provides “relation information between presentation time and transport packets of the associated reproduction path,” the transport packets being **“interleaved.”** The Examiner applies the VOBU of Saeki as the recited “transport units” and the VOBU map as the recited “map.” Applicants respectfully submit that Saeki requires that each of its VOBU be **arranged in reproduction order, not interleaved**, so that its VOBU map may indicate a start and end VOBU for a particular Cell or Time Map. *See* Saeki, FIG. 9, elements 831, 821, VOBU, VOBU MAP, TIME MAP; ¶¶ [0101], [0103]. The entire reproduction scheme in Saeki depends on the VOBUs being **sequential**, so that clips may be mapped by time and arranged by time offset. *See* Saeki, ¶¶ [0108]-[0121]. Introducing interleaved data units into Saeki, such that

VOBUs from different VOBs were adjacent, would destroy the functionality of Saeki's mapping operation, which is impermissible under § 103(a). *See* MPEP § 2141(III); KSR v. Teleflex, 550 U.S. 398, 417, 421 (2007) (when looking at variations in prior art elements, a finding of non-obviousness turns on whether "the improvement is more than the predictable use of prior art elements according to their **established functions**") (emphasis added). Thus, Saeki does not disclose, and cannot be modified to teach, maps identifying interleaved transport packets, as recited in the independent claims as amended.

Lastly, Applicants respectfully reiterate that the combination of Okada and Saeki or Sugimoto is further impermissible under § 103(a). The navigation information described in Okada is completely different from the navigation information described in Saeki and Sugimoto, both in function and hierarchy placement. For example, FIG. 44 of Okada illustrates a management table 150. Applicants submit that replacing the management table 150 described in Okada with the navigation information described Saeki or Sugimoto at the various levels recited in the claims would amount to a **complete redesign and functional change of Okada**, since none of the features shown in management table 150 clearly correspond to the data management file shown in FIG. 9 of Saeki or the cells shown in FIG. 45 of Sugimoto. Such a reconstruction, without some teaching as to its feasibility or desirability, is not permissible under § 103(a). *See id.*; MPEP § 2143.01 ("If the proposed modification or combination of the prior art would **change the principle of operation of the prior art invention being modified**, then the teachings of the references are

not sufficient to render the claims *prima facie obvious.*") (emphasis added); In re Ratti, 270 F.2d 810, (C.C.P.A. 1959).

Neither Yamamoto, Saeki, Sugimoto, nor Official Notice complementarily cure the disclosure and suggestion deficiencies of Sugimoto, discussed above. Because Okada, alone or in combination with Saeki, Sugimoto, and Official Notice, fails to teach or suggest each and every element of claim 1 and cannot be combined or modified to do so, these references cannot anticipate or render obvious claim 1. Claims 11, 16-19, and 23 are allowable over the applied references at least for reciting the same unique features missing from each reference discussed in connection with claim 1. Claims 2-4, 9, 14, 15, 20-22, and 24-38 are allowable at least for depending from an allowable base claim. Withdrawal of the rejections under 35 U.S.C. § 103(a) to claims 1-4, 9, 11 and 14, and 16-38 is respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of each of claims pending in this application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Ryan Alley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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